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### FINDINGS

FACT-FINDING MISSION INVESTIGATES HUMAN RIGHTS VIOLATIONS OF MIGRANT WORKERS IN JAPAN

MIGRANT WORKERS IN JAPAN

orld Council of Churches fact-finding sion to Japan from June 13-18, estigating the conditions of migrant kers and asylum-seekers in Japan, found crimination and human rights abuses of rants common and described the uation of asylum-seekers as "shocking."

ing their five-day stay in the greater yo area, the mission, which included resentatives from the WCC, istian Conference of Asia and members support groups for migrant workers in an, visited many groups, including:

migrants and asylum seekers church and other support groups working with migrants -lawyers with experience in working with foreigners city and national immigration officials -parliamentarians and staff

fact-finding team was invited to Japan the Christian Coalition on the Problems Refugees and Foreign Migrant Workers.

med in September 1989, the coalition is mitted to appealing to the government i public to guarantee the rights of grants with regard to their lawful stay i employment in Japan, and to encourage i promote the churches involvement in ese efforts. The purpose of inviting a ct-finding team to Japan was to put essure on the Japanese government rough the WCC by appealing to the UN man Rights Commission regarding this sue based on the mission's findings.

Based upon the five days of testimonies which the mission heard from foreign migrant workers and asylum seekers about their experiences in Japan and after meeting also with legal experts, support groups, bureaucrats and politicians, many concerns were noted.

Many of the migrant workers the team met were undocumented, they had overstayed their visas and therefore their status was illegal. This situation made them particularly vulnerable to exploitation and abuse. When their rights are violated or they need medical care or their wages are not paid, they are reluctant to seek help for fear of deportation.

Many illnesses and labor accident injuries go unattended. One Filipino man the group met, who could not work due to an injury he suffered at work, told of how his apartment was robbed, but that he could do nothing about it for fear of deportation.

In the face of employer harassment the workers cannot do anything - they feel that they cannot go to the police and complain or file a law suit. One male migrant, explaining the mistreatment he had received from his employer, described the situation as one where the employer can do anything he wants and asked - "Are we going to fight back with our fists or are we just going to be abused? These are the agonies that most of us are suffering."

### IMMIGRATION LAW REVISION CAUSES MANY PROBLEMS

The immigration law in Japan underwent a revision effective June 1, 1990. Under the new law any employers of undocumented foreign workers hired on or after June 1, 1990 face fines and imprisonment. mission found that this law was poorly understood and there are reports that it may have been deliberately misinterpreted by immigration authorities. Moreover, at the time of the WCC visit there was still no translation of the revision available. This means that for the majority of the migrants, who do not read Japanese, the law cannot be understood.

For the many undocumented workers who remain in Japan the situation is very difficult - work is much harder to come by. One young migrant who has no permanent job, and must search for work as a day laborer, told of how he has been without work for 10 days: "I'm really willing to work everyday" he said. "maybe my landlord will kick me out because I haven't paid my rent in 15 days. My friends can give me food but what about the next day. I can work, the problem is that they're not accepting us. I don't want a high salary I just want to keep myself alive. Should we Filipino's and Pakistani's go down to the train station and beg for money - NO. we have our pride, we don't want charity." Although before he tried to save up his wages to send money back home it is no longer an option. Now its just a question of survival.

Reports on the treatment of Asians in the criminal justice system reveal discriminatory treatment in comparison with nationals at every stage of the process. From arrest to investigation to sentencing, Asians receive harsher treatment than their Japanese counterparts or Western foreigners. The mission also heard cases of inhumane treatment of foreign workers by immigration and police authorities, including verbal and physical violence.

One migrant from Burma was beaten up by an Immigration Bureau employee for smoking a cigarette in a no smoking area. A worker from Pakistan, who was having a discussion with an immigration official about an extension on his visa, was roughly ordered to leave and had his passport thrown from the office out into the hall. A young man from Sri Lanka was roughly apprehended by police while walking down the street, suspecting him of carrying drugs they threw him onto the ground face first and hand cuffed him. During questioning he was hit over the head with a baseball bat. He

was released at 2:30 a.m., innocent of charges.

Although immigration officials ensured mission that interpretation is provide for migrants who do not speak English Japanese, the group heard of many case where inadequate or non-existed interpretation caused difficulties imigrants. Moreover, interpreters are officially perceived as being on the side of the police or immigration authorities and mas independent transmitters communication.

Working and living conditions for migrar are more difficult than for Japanes They are more likely to be involved dangerous jobs, to have inadequate safe provisions and less likely to receimedical care and compensation in case injury. In many cases, employers refuto pay them or pay them less thoriginally promised. Migrant workers halittle recourse to established procedur to seek justice in these cases.

### ASYLUM-SEEKERS

The low rate of acceptance of asylu seekers who have fled their countri because of war or persecution w described as "shocking." Since 1982, le than 200 individuals have been grant refugee status under the 1951 Convention. Rejected asylum-seekers a often permitted to remain on a temporal basis, but must renew their visa on monthly basis and need a sponsor to avo: detention. The mission, who met wit Iranian and Afghanistan asylum-seekers noted that as countries throughout th world are trying to deal with the hundred of thousands of refugee's fleeing war ar state violence, Japan's policy of granting refugee status to an average of less that 25 people per year raises questions abou the Government's commitment to huma rights.

Those in detention can be 'bought out' i they have a guarantor. A fee for exampl of 250,000 yen, is paid to the center an the person is allowed out of detention i the custody of the guarantor. The guarantor, often an employer, would the employ the migrant as a worker - like bonded laborer. In this situation the

rant is in the hands of the guarantor can, at any time, withdraw support, cing the person back into detention.

### WOMEN

o found shocking was the situation of an women working in the entertainment ustry. Although the existence of a sex ustry is common in industrialized ntries, the situation in Japan appears be much worse. The group heard many ries of brokers recruiting women in an countries with false promises. Women being bought and sold to club owners, ced into prostitution and kept in lation by their employers, unable to otest or escape.

eir lack of independence and knowledge the Japanese language means that they evirtual prisoners of their employers, hare more often than not associated th organized crime in Japan. One lawyer mmented that women suffer from multiple scrimination: they are foreign, illegal rkers, women, and work in the sex dustry. This multi-faceted scrimination has made it possible for is trade in human flesh to continue.

addition to these problems, Third World vernments choose to close their eyes en their own nationals are abused and ploited. By their silence these vernments, through their embassies, are so responsible for the violation of the man rights of migrant workers.

th Ferris, WCC representative to the ct-finding mission, working with CICARWS ommittee on Inter-Church Aid for fugees and World Service), explained at in many ways the situation of grants in Japan is similar to that of the industrialized countries in terms of man rights abuses and discrimination. Wever, she noted that there are clear fferences and specified three points:

-Japan, unlike other industrialized countries, has not considered granting amnesty to those who have lived and worked in Japan for a specified period of time.

-The law in Japan is more rigidly applied, and there is less flexibility

in those cases which might not fit neatly into the rigid definition of the law.

-The situation of asylum seekers is shocking, particularly given Japan's important role in the UN High Commission on Refugees.



ECONOMIC DISPARITY BETWEEN JAPAN AND ITS ASIAN NEIGHBORS

The situation of migrant workers is not a question of families or individuals but a question of the relationship between countries and as such it is part of a much larger issue related to the economic disparity between Japan and its Asian neighbors. Workers are coming to Japan to earn money because there are not enough jobs in their home countries. If workers in the Philippines, for example, were able to earn five times their current wages, they would not have to come to Japan. Commenting on the despairing situation one worker said that the Filipino's were "Palaging Talo" - always losers.

Big companies in Japan reap much profit from these workers but yet they do not officially accept them, and their human rights are violated as a result. Government and leaders know the reality of these violations, but by leaving them in this illegal status they can make much profit and maintain control.

Mayann Villalba, CCA representative to the fact-finding mission, reflected on the situation. "Japanese society has a very efficient way of making tangible things invisible. You see the big companies but you never see the bottom of society. You see the money but you don't see how the

money was made. You see the products but not the making of the products." She said that it was Japan's responsibility to bring the migrants to a level of visibility and for Japanese to accept them into their homes and communities.

During WWII the Philippines suffered a great deal, but at that time, she continued, "...we knew how to challenge our anguish. But today its difficult. Then, we knew we had a vision to free ourselves through struggle. But today migrant workers dream of what? Even their dreams have been taken away."

"Japan is internationalized only in regard to business...We must strive to educate our children and citizens about true internationalization. Changing the economic and political relationships so that we can all live together."

The Joint Statement issued at the press conference held on the closing day and distributed to the press and related groups in Japan and abroad was signed by the WCC-CCA Fact-Finding Mission, the Christian Coalition on Refugee's and Foreign Migrant Workers' Issues and the Forum on Asian Immigrant Workers. Included in the statement was a seven-point action program geared toward raising awareness, providing support and information on the situation of foreign migrants in Japan. Also included was a plan to utilize the United Nations to bring pressure on the Japanese government in regard to human rights violations.

#### JUSTICE DENIED

### AN UPDATE ON THE 1991 ISSUES

AN "INTERNATIONAL SYMPOSIUM ON JAPAN'S ALIEN REGISTRATION LAW ISSUES IN THE 1990'S" WILL BE HELD BETWEEN MONDAY JULY 2 AND WEDNESDAY JULY 4, 1990 AT THE KWANSEI GAKUIN SEMINAR HOUSE IN HYOGO PREFECTURE. THE FOCUS OF THE SYMPOSIUM WILL BE "THE LIBERATION OF KOREANS IN JAPAN AND THE ENGAGEMENT OF THE CHRISTIAN CHURCH - LEGAL RIGHTS. HUMAN RIGHTS AND SOCIAL ROLES." A NUMBER OF PROMINENT PERSONS IN THE CONTINUING STRUGGLE WILL

INFORM THE SYMPOSIUM ON SEVERAL ISS INCLUDING, AMONG OTHERS, "AL REGISTRATION LAW RESISTANCE MOVEMENT THE 1980'S AND PROSPECTS FOR THE 1990' AND "INTERNATIONAL HUMAN RIGHTS MOVEME AND THE JAPANESE STATE AND PEOPLE."

Both the May 24 visit of ROK (Republic Korea) president Roh Tae Woo and controversy over an imperial apology Japan's colonial practices in Ko obscure a crucial fact. The Japan government has refused to make amends that past by improving the situation Koreans in Japan. On April 30, Japan and ROK officials in Seoul agreed or six-point program for south Korresidents in Japan. In this agreement progress is more apparent than real.

### GENERAL OBJECTIONS

- 1. Neither government consulted Japan Korean community. The demands Koreans in Japan (see below) are r reflected in the April 30 agreement
- 2. Negotiations were based on expedien rather than principle as Japan avoid any reference to the colonization Korea. Seoul is primarily concern with using the issue as a bargaini chip to win more concessions fro Tokyo on economic and technologic cooperation. To Koreans in Japan, to "settlement" looks like anoth political "deal" made at the expense.
- 3. The agreement creates the falimpression that "third generation
  Koreans will be exempt fre
  fingerprinting. The mass media he
  swallowed whole this manipulation of
  treaty jargon. In terms of the
  negotiations, the word "generation" if
  merely a legal term. Biological
  second, third and even four
  generation Koreans (approximatel
  120,000 persons) will continue to the
  fingerprinted at age sixteen well int
  the twenty-first century.
- 4. The government has indicated tha changes in status accorded to sout Koreans will also apply to nort Koreans and Taiwanese. The fact i that Koreans and Taiwanese communitie

will remain divided into several legal statuses. They will still be subject to bureaucratic authority and control.

During negotiations the Justice Ministry and National Policy Agency have resisted proposals to ameliorate the situation of Koreans and Taiwanese. As a result of intense lobbying, the ministry will retain jurisdiction in five of the six clauses of the new accord. The wielding of discretionary authority to limit Korean and Chinese rights will continue.

## SPECIFIC OBJECTIONS TO THE APRIL 30 AGREEMENT

AUSE 1: "Japan will recognize in principle the manent residency of south Koreans and simplify cedures for obtaining it."

MMENT - The Japanese government refuses create a single special status, conditional and automatic, for all rean and Taiwanese residents. Even mbers of the same family have different sidence permits. Permanent residency mains a privilege, not a right. To tain it, "third generation" Koreans will ave to apply to the Justice Ministry.

AUSE 2: "Deportation will be limited to crimes lated to internal civil disorders, those affecting ipan's external relations or diplomacy and those of milar magnitude."

DMMENT - Eliminating other reasons for eportation is an important improvement. It is specific clause, however, has been arried over intact from the 1965 ormalization Treaty. None of the crimes gainst the state are defined. "Those of imilar magnitude" is an all-inclusive hrase that gives authorities broad atitude in defining and punishing olitical activities.

LAUSE 3: "The maximum period for re-entry visas

OMMENT - Permanent residency would seem of imply no re-entry visas. Such visas ill still be at the discretion of the ustice Ministry. In the past re-entry isas have been denied for fingerprint efusal or other Alien Registration Law

violations. Denial of re-entry rights as an administrative punishment for other offenses will probably continue.

CLAUSE 4: "In consideration of the Status of the third generation Koreans and their descendants, they will not be subject to pingerprinting. An appropriate method of identification will be announced soon."

COMMENT - Fingerprinting is not being eliminated. The fact that the overwhelming majority of Korean residents of Japan will not be affected by this provision is of more critical consideration that the exemption of "third generation" Koreans from this requirement. Given the general human rights record of the Japanese government, the lack of definition for "appropriate alternative method of identification" may prove to be problematic.

CLAUSE 5: "In consideration of the status of the third generation Koreans and their descendants, Japan will find an appropriate solution to the 24-hour card-carrying system."

COMMENT - Again, observers need to be wary of the lack of definition. The Japanese government has proposed introducing a family registry system for "third generation" Koreans similar to the Japanese "Koseki" system. This move is a return to the pre-1945 system of separate (second-class) "Koseki" registers for colonial subjects.

CLAUSE 6: "IN ADDITION, JAPAN WILL CONTINUE TO CONSULT WITH SOUTH KOREA CONCERNING THE PROBLEM OF (ETHNIC) EDUCATION, THE RIGHT TO WORK AS PUBLIC SCHOOL TEACHERS AND FOR LOCAL GOVERNMENTS, AND THE RIGHT TO VOTE IN LOCAL ELECTIONS, ETC."

COMMENT - This statement requires no action. Its effect may raise false hopes among Koreans in Japan. The Japanese government is simply committed to a discussion of this issues with the ROK government in the indefinite future.

### THE DEMANDS OF KOREANS IN JAPAN

1. Consult directly with the various groups of Koreans in Japan concerning their legal status, social discrimination and other problems. Make such consultations the basis of policy.

- 2. Abolish fingerprinting, the 24-hour card-carrying requirement, the periodic renewal of alien registration cards, criminal penalties for ARL violations, and re-entry permits.
- 3. Guarantee a single legal status, to be conferred unconditionally and automatically, for all former colonial subjects and their descendants.
- Guarantee ethnic rights and the conditions necessary for the full development and enjoyment of different ethnic identities.
- 5. Make redress to Koreans and Taiwanese for Japan's colonial policies in the form of a formal apology and provide just reparations and the improvement of their legal and social status.

### CONCLUSION

The Japanese government has declared a "new era" in Japan-ROK relations. As evidence of this, it cites the April 30 agreement on the legal status of south Koreans in Japan. The recent accords, however, do not create the conditions enabling Koreans and Chinese to live in Japan as equals and with pride in their ethnic heritage. Actually, the revisions seem to be based on the assumption that by the time they come of age, "third generation" Koreans will have accepted assimilation and become naturalized Japanese. In the meantime, the government will continue to fingerprint and keep under surveillance those of other generations (the vast majority) who refuse assimilation.

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EXPLOSIONS ON US CARRIER MIDWAY
SPUR CONTROVERSY

Two explosions rocked the US aircraft carrier Midway at sea off the coast of Japan on June 20th. The blast killed three and left sixteen others injured.

According to a statement by a spokespers from the US Naval base, a fire which brout on the carrier after the firexplosion had been put out and the fift one thousand ton vessel was moving units own power about two hundred kilometer northeast of the naval base at Yokosukoutside Tokyo.

At the time of the explosion the ship we carrying four-thousand five-hundred peop including pilots and aviation crews.

According to the statement a fire a explosion erupted at 12:23 p.m. about hour and a half after smoke had be reported. Fire fighters were called a a second explosion occurred about an ho after the first.

The navy said it was conducting routi flight operations at the time and was begin participating in a series of nav and air exercises with the Japan Sel Defense Forces.

It was said that the Japanese governme received assurances that the US w following full safety precautions, however a full report of the incident has not yobeen received.

The Japanese news service, Kyodo, reporte that the Midway had requested Yokosul naval base to form a special task force a deal with major accidents, including nuclear related accidents. However, base spokesperson said that no such unit was involved in the fire fighting operations.

There is strong anti-US sentiment amor residents around the bases and among th citizens' movement struggling for th removal of the US bases and an end to th US-Japan Security Treaty. It appears that the pressure from this opposition affecte the government's decision to request full report on the accident.

The Midway is capable of carrying nuclea weapons and has been a source of controversy over the years. US vessels carrying nuclear weapons have docked at Us bases in Japan. This is in direct violation of the Three Non-Nuclear Principles adhered to by the Japanese government: not to possess, not to

ufacture, and not to permit entry into an of nuclear weapons.

Midway was launched in 1943 and later erwent extensive modernization. The est of the 14 US carriers, the Midway scheduled to be retired at the end of t summer and replaced by the USS ependence.

# NCC/J APPEAL TO JAPANESE PRIME MINISTER KAIFU

NCC/J has been engaged in activities under the E: "Justice, Peace and Lipe." In this context, farch, 1989, a meeting was held outside Tokyo, consored by the NCCC-USA, pocusing on peace issues. Theme of the meeting was the problematic aspects Japan/US military cooperation in Asia and the ipic. Christian cooperation on an international L is constant in its working for peace; and it is hope for peace that emerged as a major concern the consultation.

ADDITION, FROM A SIMILAR VIEWPOINT, THE INCREASE IN MILITARY ACTIVITY IN JAPAN AND THE CONTINUAL ENTRY US NAVAL VESSELS INTO THE PORT OF YOKOSUKA, IS A EAT TO PEACE IN NORTHEAST ASIA AND A THREAT TO THE IZENS OF YOKOSUKA CITY AND TO EVERYONE RESIDING IN AN. THIS IS A MAJOR CAUSE OF CONCERN.

FIRE ABOARD THE USS MIDWAY ON JUNE 20 DEMONSTRATES IMPORTANCE OF OUR CONCERN REGARDING THIS DANGER. CALL UPON THE JAPANESE GOVERNMENT TO MAKE CLEAR EDIATELY TO THE US GOVERNMENT THAT THE MIDWAY AND IER MILITARY VESSELS SHOULD NOT BE HOME PORTED IN PAN, AND THAT BECAUSE OF THE CONTINUAL DANGER OF IDENTAL EXPLOSION ON MILITARY BASES STRICT MEASURES JULD BE TAKEN TO PROTECT THE RESIDENTS OF JAPAN INST NUCLEAR EXPLOSIONS.

# US-JAPAN SECURITY TREATY MARKS 30 YEARS

controversy stirs over the explosions the US aircraft carrier Midway, calling tention once again to the threat posed nuclear-capable naval vessels operating it of US bases in Japan, the US-Japan curity Treaty marks its thirtieth niversary.

ne first security treaty was signed in an Francisco on September 8, 1951, apphasizing the right of the US forces to occupy Japan. At that time there were wer 700 US military facilities in Japan, accluding bases. The treaty was in exchange for Japan's independence but placed Japan in a role subordinate to the US.

The new and current treaty became law on June 19, 1960 amidst much controversy and opposition; yet in spite of this the treaty was single-handedly voted through by the leading faction of the Liberal Democratic Party (LDP).

In the 1960's the anti Japan-US Security Treaty movement was supported by a wide range of citizens', labor, religious and students groups. Towards the end of the 1960's and the first half of the 1970's, during the height of the Vietnam War, the anti-base movement in many areas was vitalized and expanded nationwide. However, during the latter half of the 70's the anti-bases movement was weakened, and with the end of the Vietnam war came the breakdown of the people's movements against the Japan-US Security Treaty. In the 1980's, the anti-nuclear movements became more active. Against this background the anti-bases movements have become revitalized through citizens' movements on the local level.

It has been noted that the phrase "mutual cooperation" used to describe the new treaty distinguishes it as different from other treaties common among allied forces, exposing its character as an alliance between Japan and the US.

The treaty is a regulation regarding the use of bases and facilities by the US military. It provides for the use of civilian airports by US fighter planes, and the use of harbors by US submarines as well as the free use of public facilities. These regulations have a direct effect on the day to day lives of citizens in Japan.

In 1978 guidelines to the Treaty were approved by the Defense Conference. The contents of these guidelines deals with how the US and Japan will jointly carry forth a military operation in the case of an emergency. In this case interoperability between the SDF and the US forces are to be developed and all of Japan will be made a base from which attacks can be carried out.

Strong feelings exist among those in

opposition to the presence of the US bases in Japan and to Japanese militarism because it is felt that peace cannot be realized as long as the Japan-US Security Treaty is in force.

### PAKISTAN HOST TO CCA WOMEN'S CONSULTATION

The Christian Conference of Asia held a consultation for NCC Women's concerns secretaries from April 19-26 in Lahore, an historic site in respect to Christian history in Pakistan.

The purpose of the conference was to make plans concerning the work of Asian women both on a regional level through the CCA and in each of the member countries.

The work being done on women's issues in each country was introduced, both the work being done within and outside the church. Discussions not only focused on what activities should be carried out at the country and CCA level, but how they should be carried out. In addition, the question was raised as to how to confront the difficult problems which women are now facing.

The group determined to push for the establishment of a women's desk for the National Council of Churches in Pakistan (NCC/P). Plans had already been set in motion for the establishment of such a desk and Mrs. Khushnud Azariah, coordinator of the consultation, was chosen to represent the NCC/P women's concerns. At a gathering of NCC/P officials to welcome the consultation participants, the group was encouraged when the General Secretary announced NCC/P's support of the women's proposal. stating that they would indeed introduce a Women's Desk for the first time.

Conferees were able to have many valuable and fruitful experiences. Visits were made to Christian schools and local churches, where the welcome saw dances by children. Participants were also able to see the lifestyle of Pakistani women.

In addition to meetings, on two separate

occasions solidarity with women
Pakistan was facilitated. One was
dialogue between women leade
representing the Islamic faith and wom
from the Christian community - the fir
ever of its kind. Through dialogue th
came to the realization that they need
the cooperation of one another in order
generate the power needed to confro
life's difficulties resulting from t
position of women in Pakistani society.

During fellowship with Christian wome participants were particularly moved conversations with Christian nurses, we spoke of the difficulties faced Christian women workers. Because Frid is a holiday in Islamic countries they a never able to attend Sunday chur services. These women never contraditheir bosses for fear of being fired moved to another location. From the meeting it was clear that Christian women suffered from double-oppression - as pa of the Christian minority and as women Pakistan.

There was also a very painful experien in meeting with brick workers and the families. Struggling to survive, the barely have enough food and water sustain their families and must littogether in small tent-like shelters.

The consultation participants reaffirme their commitment to change as they se forth "Suggestions for Action" at bot the national and CCA level. Nations proposals included information exchange issues such as rape laws and other violence against women and the foreign policy of "rich" Asian countries and th effect of policy on other poorer Asia countries. CCA level proposals included a request that women's participation i future CCA General Assemblies be at leas 30% and that grassroots women's program' e.g., social welfare, migrants, femal literacy, be made a priority of CC women's concerns. (by: Ruth Shoji)

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